

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of James N. Rothbarth et al.

Art Unit 2163

Serial No. 10/814,683

Filed March 31, 2004

Confirmation No. 8322

For METHOD AND SYSTEM FOR SHARING STORAGE SPACE ON A COMPUTER

Examiner Helene Roberta Rose

March 14, 2007

TO THE COMMISSIONER FOR PATENTS,

SIR:

SUMMARY OF INTERVIEW ON MARCH 13, 2007

A telephone conference was held between Examiners Rose and Wong and the undersigned on March 13, 2007.

The undersigned provided a summary of the invention and pointed out that claim 1 recites three elements: (1) first computer, (2) second computer and (3) portable computer readable medium.¹ The undersigned noted that element (3) is missing in Bailey.

Next, the undersigned pointed out that Bailey does not teach selective transfer from the first computer to either (a) the second computer when the file size is less than the target amount or (b) a computer readable medium, separate from the second computer, when the file size is less than the target amount, as recited by claim 1.²

The Examiners pointed to column 4, lines 44-56, a section of Bailey not previously cited in the Office actions:

¹ "selectively transferring, based on a total size of the files being transferred, the designated files and file data from the **first computer** to the **second computer** or to a **portable computer readable medium...**", Claim 1, lines 8-10, emphasis added.

² "wherein the designated files and file data are **transferred to the second computer** at the identified location via a communication network when a total size of the files being transferred is less than a target amount, and wherein the designated files and file data are **transferred from the first computer to the portable computer readable medium** when the total size of the files being transferred is greater than the target amount...", Claim 1, lines 11-15, emphasis added

As will be understood from the description below, the
45 advantages gained by the described method and system
include a reduction in the amount of data that is transmitted
from a client site to the backup site during a backup
operation. The reduction of transmitted data reduces the
amount of time required for the backup operation to be
50 completed and also reduces mechanical wear and tear of the
data storage media at the client and backup sites. Moreover,
the reduction in the amount of data transmitted to the backup
site correspondingly reduces the data storage capacity
requirements at the backup site. This allows the backup
55 computer to utilize a smaller data storage medium, thus
reducing the cost of the backup system.

The undersigned pointed out that the above part of Bailey in combination with the previously cited parts of Bailey (column 9/lines 23-30; and column 11/lines 35-41 noted below) teach sending files to a remote backup site. The undersigned argued that Bailey teaches that either the sector changes or the entire sector are sent to the SAME remote backup site, depending on which is more efficient.

sector. The discarding of the changes in the CDA is performed because the changes to the sector are large (consuming over one half the number of bytes in the sector) and thus it is more efficient to transmit the entire sector rather than the many changes within the sector. The goal of using the method described in the flow chart of FIG. 4 is to store only relatively small changes in the CDA, while large changes are not stored in the CDA. The entire sector in which large changes occur, as identified by the HCS table value of "1" for that sector, will be transmitted to the backup site.

and places that file in the transmission file. The transmission 35 file is a file of finite size determined by the channel capacity analysis of step 502 such that less than all the files to be transmitted may fit within the transmission file. When backup transmissions are desired, the contents of the transmission file are transmitted to the backup site. Only files 40 within the transmission file are transmitted to the backup site. Thus, when the transmission file is full, no other files

On the other hand, the undersigned pointed out that Bailey does not disclose using a portable computer readable medium as an alternate destination for the backup files. In other words, it

does not teach a second backup site. The undersigned requested that the Examiners identify the third element in Bailey. The Examiners again referred to column 4, lines 44-56, above, and did not point to any other teaching in Bailey disclosing element (3) of claim 1 noted above, namely, a computer readable medium separate from the remote backup site (i.e., separate from the second computer).

Further, the undersigned pointed out that Bailey does not teach sending files to a portable computer readable medium instead of a remote backup site, depending on file size. The undersigned requested that the Examiners identify transferring based on target amount in Bailey. The Examiners again referred to column 4, lines 44-56, above, and did not point out any teaching in Bailey disclosing step (b) of claim 1 noted above, namely, that the location to which a backup copy is transferred is dependent upon the size of the copy compared to the target amount.

Nevertheless, the Examiners concluded that such differences would be obvious and refused to withdraw the rejection.

No agreement was reached.

Applicants thank the Examiners for their time.

Respectfully submitted,

/Frank R. Agovino/

Frank R. Agovino, Reg. No. 27,416
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

FRA/caa